

# **New Hampshire Council on Resources and Development**

Office of Energy and Planning  
57 Regional Drive, Concord, NH 03301  
Voice: 603-271-2155 | Fax: 603-271-2615



TDD Access: Relay NH  
1-800-735-2964

## **FINAL MINUTES COUNCIL ON RESOURCES AND DEVELOPMENT OCTOBER 12, 2007**

### **MEMBERS PRESENT**

Amy Ignatius, Chairman, Director of the NH Office of Energy and Planning  
John Barthelmes, Commissioner, NH Dept. of Safety (via conference call)  
Philip Bryce, Director of the NH Dept. of Resources and Economic Development, Div. of Forests and Land  
William Carpenter, Administrator, NH Dept. of Resources and Economic Development, Div. of Forests and Land  
Dean Christon, Executive Director, NH Housing Finance Authority  
Donald S. Clarke, Interim Director, NH Fish and Game Department  
Timothy Drew, Public Information and Permit Administrator, NH Dept. of Environmental Services  
Mary Heath, Deputy Commissioner, NH Dept. of Education (via conference call)  
Elizabeth Muzzey, Director, NH Dept. of Cultural Resources, Div. of Historical Resources  
Stephen Perry, Senior Biologist, NH Dept. of Fish and Game  
Richard Uncles, Director, NH Dept. of Agriculture, Markets and Food, Div. of Regulatory Services  
Linda Wilson, Historian/Deputy SHPO, NH Dept. of Cultural Resources, Div. of Historical Resources

### **OTHERS PRESENT**

Louis A. Barker, NH Dept. of Transportation, Bureau of Rail and Transit  
Attorney Anthony Blenkinsop, NH Dept. of Justice  
Representative John Cloutier, NH House of Representatives  
Jennifer Czysz, NH Office of Energy and Planning  
Michele Zydel, NH Office of Energy and Planning

---

## **I. ROLL CALL AND INTRODUCTIONS**

Chairman Ignatius called the meeting to order at 1:34 PM at the NH Office of Energy and Planning, 57 Regional Drive, Concord, NH.

## **II. MINUTES**

### **A. Approval of CORD Meeting Minutes of September 6, 2007.**

**ACTION:** MOVED by Mr. Uncles, seconded by Mr. Perry, THAT the minutes of the Council meeting held on September 6, 2007 be approved. The motion passed unanimously, 8-0.

## **III. DISPOSAL OF STATE OWNED LAND SURPLUS LAND REVIEW (SLR)**

### **A. CLARKSVILLE**

**SLR 07-011**

**Request to convey rights of way over specific State-owned roads in exchange for other much needed public rights of way over private land.**

The Department of Resources and Economic Development (DRED) and the Department of Environmental Services – Water Resources Council (DES) have received a request to grant an easement deed for vehicular and pedestrian access rights over the following State-owned roadways to Gaston and Pauline Rodrigue: Deadwater Road, Road 36-05, Cedar Stream Road, and First Road in Pittsburg and Clarksville, NH. In order to provide access necessary for desired economic development in Clarksville and to assure logging and public recreation access to significant areas of the Great North Woods, including the Connecticut Lakes Headwaters Forest, DRED and DES wish to exchange easement rights of access in perpetuity. The State will offer the Rodrigue's vehicular and pedestrian access rights as listed above and detailed in the application in exchange for an additional vehicle and pedestrian access easement that may be used by the State and the public over Deadwater Road.

### **STAFF REPORT**

30-day review period ended October 11, 2007.

*Administrative Services:* No comment.

*Agriculture, Markets, and Food:* No objection.

*Division of Historical Resources:* No comment.

*Education:* No objection.

*Emergency Services:* No comment.

*Energy and Planning:* No comment.

*Environmental Services:* DES has had recent involvement and a briefing on this case, has signed the Governor and Council request dated August 31, 2007, and feels that the rights-of-way exchange represents a fair and equitable resolution for all parties involved.

*Fish and Game:* No comment.

*Housing Finance Authority:* No comment.

*Health and Human Services:* No objection.

**Resources and Economic Development:** No comment.

**Safety:** No objection.

**Transportation:** No comment.

**Lakes Management Advisory Committee:** Not applicable.

**Rivers Management Advisory Committee:** Recommends approval with two conditions:

- a. The language dictating the allowed use of the substantial trail easement conveyed by the Rodrigue's to the State would include human-powered and snowmobile use (currently, the language allows only "pedestrian and snowmobile use," which would bar cross-country skiing, snowshoeing, mountain biking, etc.
- b. The access easement on the roads conveyed by the Rodrigue's to the State will include a provision that the Rodrigue's, and any succeeding owner(s), will maintain these roads using best management practices and any monitoring will occur by the NH Department of Environmental Services to insure that no water quality impairments result from these roads.

See letter on file.

**Public Waters Access Advisory Board:** No comment.

**State Conservation Committee:** Does not recommend approval and urges CORD to further study the proposal with respect to its impact on water quality, the cost of maintenance and Department monitoring, the increasing development that will be enabled in the sensitive Connecticut River headwaters, and the equity of this exchange between a private interest and the State of New Hampshire. The SCC also noted the following concerns along with the same two concerns submitted by RMAC (see above):

- a. The easement appears to open a substantial parcel of privately owned land to development. The SCC is concerned that the Connecticut River headwaters may be adversely affected by this land use change and the roads that would be created to access this now land-locked parcel.
- b. The SCC urges CORD to further study this easement exchange in the context of the value conveyed to private interests versus the benefit received by the State of New Hampshire.

See letter on file.

**Town of Clarksville:** No comment.

**Connecticut River Joint Commissions – Headwaters Subcommittee:** No objections.

Considers the exchange appropriate in order to provide needed public recreation access. Encourages the use of Best Management Practices to protect the Connecticut River Headwaters. See letter on file.

**Long Range Capital Planning and Utilization Committee:** Conditionally approved the request contingent upon a favorable recommendation by CORD. The Committee also made a second motion to allow any recommendations made by CORD and amenable to both the State and the Rodrigue's without requiring a second review by the Committee.

**October 12, 2007 Discussion:**

Representative Cloutier opened discussion by stating his attendance at the meeting was to reaffirm that the request's conditional approval granted by the Long Range Capital Planning and Utilization Committee is subject to a favorable recommendation by CORD. He stated that Long Range would only take further action if agency or owners were not in agreement with any recommendations CORD may request. Chairman Ignatius responded that there was no opposition voiced by CORD members at their September 6, 2007 meeting.

Chairman Ignatius asked Mr. Carpenter to give a brief overview of the request and asked Council members if they were comfortable with the request's details. Mr. Barthelmes and Ms Heath (participants via conference call) responded that they were comfortable with the details. Mr. Carpenter pointed out the areas involved with this request from a map depicting State-owned property and roadways, and Chairman Ignatius read comments received from the Rivers Management Advisory Committee. She noted their recommendation to change the language of the agreement from "pedestrian and snowmobile use" to "human-powered and snowmobile use" which would allow for cross-country skiing, snowshoeing, mountain biking, etc.

Attorney Blenkinsop responded to this recommendation by stating there are concerns regarding mountain biking due to the area's connection to recreational lands that may not permit biking and safety concerns of biking on trails that double as logging roads in the snowmobile off-season.

Chairman Ignatius asked Attorney Blenkinsop if the NH Department of Environmental Services could monitor the easement to ensure that the water quality is not compromised. Attorney Blenkinsop responded that they do not have the ability to bind DES to monitoring and that the Rodrigue's would not be agreeable to this type of requirement as this would go beyond that which is typically asked by the state. Chairman Ignatius asked Mr. Drew if he agreed with this line of reasoning, to which he responded affirmatively.

Chairman Ignatius then addressed the response submitted by the State Conservation Committee in which they do not recommend the exchange. The committee based their decision on concerns that increased development might occur due to ease of access. Attorney Blenkinsop stated that there is nothing to prohibit development on that land and the likelihood of development could increase because of the granted access. Chairman Ignatius asked if any State-owned property is being given to the Rodrigue's. Attorney Blenkinsop responded there is none. Mr. Drew asked if this easement would lead to land use change. Attorney Blenkinsop responded that he did not believe so. Ms. Wilson stated that provided any future construction is brought before the Division of Historical Resources for review, their department has not objection to the transfer.

Following additional discussion regarding mountain biking, Mr. Barthelmes noted that this activity raises safety concerns. He stated that because of the size and weight of logging trucks, and road conditions that could sometimes be adverse due to weather conditions, the possibility exists for accidents.

**ACTION:** MOVED by Mr. Christon, seconded by Mr. Clarke, to RECOMMEND APPROVAL of the exchange of easements, with the amendment that the language “pedestrian and snowmobile use” be defined so as to include cross-country skiing and snowshoeing in those areas where both pedestrian and snowmobile access is to be granted. The Dept. of Resources and Economic Development abstained from voting and the motion passed by a vote of 7–0.

Chairman Ignatius asked Attorney Blenkinsop to provide copies of the final documents to Representative Cloutier.

**B. LEBANON**

**SLR 07-007**

**Request to sell approximately 16,500 square feet of land in Lebanon to Howard Laware, Railroad Avenue, Lebanon, NH.**

The Department of Transportation requests to sell approximately 16,500 square feet of land in Lebanon to Howard Laware on Railroad Avenue. Mr. Laware is the owner of the former barracks building in the railroad yard and has leased the land under and surrounding the building since his father purchased the building from the Boston and Maine Corporation. Mr. Laware and his family have asked to purchase the land under the building and a small driveway and yard area in order to make the longstanding lease arrangement permanent and to help facilitate future improvements and repairs to the building. DOT reports the parcel is a sufficient distance from the railroad main line track and sidings to maintain current and future railroad operations.

**October 12, 2007 Discussion:**

Chairman Ignatius asked Mr. Barker to provide CORD with updates on their progress. Mr. Barker responded that the Bureau of Right-of-Way is in the process of performing an appraisal and that he has nothing further to report. Chairman Ignatius asked that Mr. Barker advise the Bureau that the next CORD meeting is scheduled for November 1, 2007.

**ACTION:** This item remains on the table.

**IV. NEW BUSINESS**

Chairman Ignatius announced that the Land Conservation Investment Program report would be distributed to the CORD members via e-mail for their review. A final version will be issued by the end of the year.

**VII. CORD 2007 - 2008 MEETING SCHEDULE**

November 1, 2007  
January 3, 2008  
March 6, 2008

*All meetings will be held at the Office of Energy and Planning, 57 Regional Drive, Concord, NH, unless otherwise noted. Meetings begin at 9:30 AM.*

**VIII. ADJOURNMENT**

The meeting adjourned at 2.20 PM.

Respectfully Submitted,

---

Amy Ignatius  
Chairman

AI/mkz